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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,100	11/17/2003	Dick C. Hardt	DORM0002	9784
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Sadler, Breen, Morasch & Colby, ps 422 W. Riverside Ave, Suite 424 Spokane, WA 99201			EXAMINER OSMAN, RAMY M	
			ART UNIT	PAPER NUMBER
			2457	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/713,100

Applicant(s)

HARDT, DICK C.

Examiner

RAMY M. OSMAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 36-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 36-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is responsive to amendment filed on July 17, 2009, where applicant amended claims 1-7, and added new claims 36-58. Claims 1-8,36-58 are pending.

Response to Arguments

2. Applicant's arguments filed 7/17/09 have been fully considered but are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 101

3. Claims 36-46 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385. The instant method claims are neither positively tied to a particular machine or hardware element that accomplishes the claimed method steps, nor do the claims perform transformation of underlying subject matter into a different state or thing. Since neither of these requirements are met, the method claims are not a patent eligible process under 35 USC 101 and are deemed as non-statutory subject matter.

4. Claims 47-57 rejected under 35 U.S.C. 101 because the claimed invention does not fall within a statutory category. The claim recites "computer readable medium..." It is unclear from the specification what the scope of the term "computer readable medium" encompasses. Since it

may encompass media types which may include signals and carrier wave, then the claim is held to not fall within any of the statutory categories and is therefore not patentable subject matter.

See MPEP Chapter 2106 Section IV.B.¶4 and Chapter 2106.01

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 36 and 47 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The last limitation of the respective claims are unclear. It is unclear if the IP address is used to monitor the request that contains the IP address, or if it is used to monitor other requests not associated with the IP or entity, or if another different type of monitoring is intended but not properly worded.

7. Claims 37 and 48 rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The language is unclear in regards to what is being discarded.

8. Claim 58 are rejected under 35 U.S.C. 112, second paragraph, as failing to comply with the written description requirement and rendering the claim indefinite. Claim elements, “means for” are means (or step) plus function limitations that invoke 35 U.S.C. 112, sixth paragraph. However, the written description fails to disclose the corresponding structure, material, or acts for the claimed function.

Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or

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(b) Amend the written description of the specification such that it expressly recites what structure, material, or acts perform the claimed function without introducing any new matter (35 U.S.C. 132(a)).

If applicant is of the opinion that the written description of the specification already implicitly or inherently discloses the corresponding structure, material, or acts so that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function, applicant is required to clarify the record by either:

(a) Amending the written description of the specification such that it expressly recites the corresponding structure, material, or acts for performing the claimed function and clearly links or associates the structure, material, or acts to the claimed function, without introducing any new matter (35 U.S.C. 132(a)); or

(b) Stating on the record what the corresponding structure, material, or acts, which are implicitly or inherently set forth in the written description of the specification, perform the claimed function. For more information, see 37 CFR 1.75(d) and MPEP 2181 and 608.01(o).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 1,2,4-8 rejected under 35 U.S.C. 103(a) as being unpatentable over Levosky (US Patent No 7,054,906) in view of Song et al (US Publication No 20030225841).

11. In reference to claim 1, Levosky teaches a pseudonymous email address generator for generating a pseudonymous email address associated with an email address, the generator comprising:

a request interface, for receiving a pseudonymous email address generation request from

an identity management system(column 4 lines 20-25 and column 4 line 63 – column 5 line 20), the request containing website identification information in a pre-defined format (column 4 lines 49-57); and

a processor for executing stored instructions to provide a pseudonymous email address creator for creating a pseudonymous email address associated with a mail server in response to the received pseudonymous email address generation request (column 4 line 63 – column 5 line 5), for associating the pseudonymous email address with an email address (column 4 lines 27-32 and column 5 lines 4-20), for providing the created pseudonymous email address and its associated email address to the mail server associated with the pseudonymous email address (column 3 line 65 – column 4 line 3) for providing the created pseudonymous email address to the identity management system (column 5 lines 19-25) and for storing the website identification information with the associated pseudonymous email address to allow centralized analysis (column 4 lines 63-67). (see also Levosky, claim 1 steps a-c)

However, Levosky fails to explicitly teach that the note/message is a “website identification information”. This is just a slight difference from the “identification information” (which is already taught by Levosky in column 4 lines 49-57 in the form of a message/note section) and would be obvious to one of ordinary skill in the art. Levosky teaches that the note/message is used to provide descriptive information used to identify the circumstance of the creation of the alias address (column 5 line 50 - column 6 line 3). Therefore, if a user desired to create an alias address to be submitted to a particular website, for shopping or subscription purposes etc., then it would be obvious to identify the particular website in the note/message so that the user can later be reminded what that alias address is associated with.

Levosky fails to explicitly teach that the website information includes an IP address associated with the entity, and ascertaining whether the IP address is associated with a source of spam. However, Song discloses that it is old and well known to analyze IP addresses to determine if they are a source of spam (see at least paragraph 51). It therefore would have been obvious to modify Levosky whereby if a user were to include an IP address within the note/message section of Levosky (as described above) then that IP address would be analyzed to make a determination of whether the IP address is a source of spam. This can be for the purpose of providing the user with the results of the determination to enable the user to act accordingly.

12. In reference to claim 2, Levosky teaches the generator of claim 1 including a mail server interface for receiving from the pseudonymous email address creator both the pseudonymous email address and the email address associated with the pseudonymous email address, and for providing them to the mail server associated with the pseudonymous email address in a predetermined format (column 5 lines 27-48).

13. In reference to claim 4, Levosky teaches the generator of claim 1 wherein the pseudonymous email address creator includes means for defining properties of the pseudonymous email address, the properties selected from a list including a friendly name associated with the pseudonymous email address, a management link and corresponding attachment method and the email address the pseudonymous email address is associated with, and for providing the defined properties to the associated mail server (column 4 lines 25-40 and column 8 lines 35-50).

14. In reference to claim 5, Levosky teaches the generator of claim 1 further including a rules engine for defining a set of routing rules in accordance with requests received by the request interface, for associating the defined set of rules with pseudonymous email addresses generated by the pseudonymous email address creator, and for providing the created set of rules to the mail server associated with the pseudonymous email address (column 7 lines 1-8 and column 8 line 62 – column 9 line 12).

15. In reference to claim 6, Levosky teaches the generator of claim 5 wherein the rules engine further includes means for defining the routing rules in accordance with a set of parameters defined in the pseudonymous email address generation request (column 8 line 62 – column 9 line 12).

16. In reference to claim 7, Levosky teaches the generator of claim 5 wherein the rules engine further includes means for defining the routing rules in accordance with a set of default parameters (column 8 line 62 – column 9 line 12).

17. In reference to claim 8, Levosky teaches the generator of claim 7 wherein the default parameters are dependent upon a requester identifier associated with the pseudonymous email address generation request (column 8 line 62 – column 9 line 12).

18. Claims 36,37,39-48,50-58 correspond to claims 1,2,4-8 and are slight variations thereof. Therefore claims 36,37,39-48,50-58 are rejected based upon the same rationale as given for claims 1,2,4-8.

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 3,38,49 rejected under 35 U.S.C. 103(a) as being unpatentable over Levosky (US Patent No 7,054,906) in view of Song et al (US Publication No 20030225841) in view of Rounthwaite et al (US Patent Publication No 2004/0177110).

Levosky teaches the generator of claims 1,36,47 respectively further including a request analysis engine for receiving from the request interface an indication of the destination of the requested alias (column 8 lines 30-60). Levosky fails to explicitly teach for determining in accordance with the indication that the email address associated with the pseudonymous email address is a honeypot address. However, Rounthwaite discloses honeypot addresses for the purpose of trapping and detecting spam from known senders of spam (§ 72-74). It would have been obvious for one of ordinary skill in the art to modify Levosky by determining in accordance with the indication that the email address associated with the pseudonymous email address is a honeypot address as per the teachings of Rounthwaite for the purpose of trapping and detecting spam.

Conclusion

21. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive

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sections within the entirety of the reference (including any figures, incorporation by references, claims and/or priority documents) is implied as being applied to teach the scope of the claims.

22. Applicant may not introduce any new matter to the claims or to the specification. For any subsequent response that contains new/amended claims, Applicant is required to cite its corresponding support in the specification. (See MPEP chapter 2163.03 section (I.) and chapter 2163.04 section (I.) and chapter 2163.06)

23. In formulating a response/amendment, Applicant is encouraged to take into consideration the prior art made of record but not relied upon, as it is considered pertinent to applicant's disclosure:

Bandini et al, Pat Pub No 20020199095, in paragraph 32 discloses comparing IP addresses to determine likely sources of spam.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008.

The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/
Primary Examiner, Art Unit 2457